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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,970

12/02/2005

Staffan Schager

1816

4054

20676

7590

06/29/2007

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EXAMINER

MITCHELL, JOEL F

ART UNIT

PAPER NUMBER

3671

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,970	<b>Applicant(s)</b> SCHAGER, STAFFAN	
	<b>Examiner</b> Joel F. Mitchell	<b>Art Unit</b> 3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/24/2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Langenfeld et al. (US 4,725,189).**

3. With respect to claim 1, Langenfeld discloses a loader for agricultural tractors (10) equipped with hydraulically maneuverable, parallel lifting arms (14, 16) which are pivotally mounted at the rear part of the tractor together with a center attachment member (18) between the lifting arms, said loader comprising:

two parallel loader arms (90, 92) including means for attachment (24) of the loader arms to respective tractor-mounted lifting arms to extend rearwardly (col. 3, lines 3-4); and

a hydraulically extendable center rod (52) including an inner end (56) for connection with the center attachment member and that extends outwardly from the center attachment member toward a working implement (22);

wherein outer ends of respective loader arms and an outer end of the center rod are adapted for connection (loader arms attach via 94 and 96; center rod attaches via shaft 66, bracket 68, shaft 72, arms or links 74 and 76, arms or links 78 and 80, bolts 82 and 84, and pins or bolts 86 and 88) to the working

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implement, whereby the working implement is lifted by the loader arms and is tilted by the hydraulically extendable center rod. (Figs. 4-9)

4. With respect to claim 2, Langenfeld discloses a loader wherein the loader arms are inclined upwards in a region outwardly of and close to an outer end of a respective lifting arm. (Arm 92 seen to incline in Figs. 8 and 9)

5. With respect to claim 3, Langenfeld discloses a loader wherein respective loader arm outer ends and the outer end (62) of the center rod include attachment means (loader arms attach via 94 and 96; center rod attaches via shaft 66, bracket 68, shaft 72, arms or links 74 and 76, arms or links 78 and 80, bolts 82 and 84, and pins or bolts 86 and 88) for attachment to a working implement.

6. With respect to claim 4, Langenfeld discloses a loader wherein the inclination of the loader arms relative to the lifter arms is adjustable (via pivotal connections at 98 and 100).

7. With respect to claim 5, Langenfeld discloses a loader wherein the connecting means included at the outer ends of respective loader arms include a pivot adapted to pivotally support the working implement and wherein at the outer end (62) of the center rod is a pivot joint (63) adapted for pivotal connection (col. 2, lines 57-61) to the working implement (via shaft 66, bracket 68, shaft 72, arms

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or links 74 and 76, arms or links 78 and 80, bolts 82 and 84, and pins or bolts 86 and 88).

8. With respect to claim 6, Langenfeld discloses a loader wherein the center rod (52) includes along its length a hydraulic piston-cylinder device (seen in Fig. 1, retracted in Fig. 6, and extended in Fig. 9), which functions to change the length (col. 3, lines 11-34) of the center rod.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langenfeld et al. in view of Shelby (US 3,198,357).**

11. With respect to claim 7, Langenfeld discloses a loader with regard to claim 1, above. Langenfeld does not disclose spaced attachment points at the outer end of the center rod. Shelby discloses a loader including spaced attachment points (58) at the outer end of the center rod (12, 20, 22, 78) for co-action with one of an attachment arm and the working implement (26), wherein the attachment points are spaced at mutually different distances (Fig. 2) from the inner end of said center rod.

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12. Langenfeld and Shelby are analogous because they both disclose rear tractor-mounted implements that suspend and control buckets. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the bracket (68) of Langenfeld with the attachment points as taught by Shelby in order to increase the range and possible effective lengths of the center rod (52).

**13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langenfeld et al. in view of Hare (US 4,103,796).**

14. With respect to claim 8, Langenfeld discloses a loader wherein the loader arms extend below (Fig. 7) the lifting arms. Langenfeld does not disclose the use of cotter pins or the loader arms abutting the lifting arms. Hare discloses a bucket attachment wherein inner ends of respective loader arms (55a, 55b) are secured to a respective lifting arm (14, 16) by means of cotter pins (68); and wherein respective loader arms extend below (Fig. 1) respective lifting arms and abut an underside of a respective lifting arm (14 abuts 55a, 16 abuts 55b).

15. Langenfeld and Hare are analogous because they both disclose rear tractor-mounted implements that suspend and control buckets. It would have been obvious to one of ordinary skill in the art at the time of the invention to use cotter pins as taught by Hare to secure the apparatus of Langenfeld to the lifting arms of the tractor. The motivation being to allow for quicker and easier attachment and removal of the loader from the tractor. It also would have been obvious to one of ordinary skill in the art at the time of the invention to provide the

loader as taught by Langenfeld with the means to abut the loader arms with an underside of the lifting arms as taught by Hare. The motivation here being to eliminate material from the frame.

### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joel F. Mitchell whose telephone number is (571) 272-7689. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
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5/11/7

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Art Unit 3671